IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2650 of 2007()

(CRIME NO.242/2007 OF PATTAMBI POLICE STATION)

PETITIONER: IST ACCUSED

MOHAMMED HAJI, S/O. IBRAHIM,
AGED 65 YEARS, KARIMPANACKAL HOUSE, PALLIPRAM
AMSOM, KARAKKAD DESOM, PATTAMBI, OTTAPALAM TALUK.

BY ADV. SRI.E.R.VENKATESWARAN
SRI.R.SREEHARI

RESPONDENTS

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PATTAMBI, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No. 2650 of 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioner is the first accused in Crime No.242/07 of Pattambi Police Station, registered for offence under Section 379 IPC read with Section 34 thereof. The allegation is that at about 10 p.m. on 15.4.2007, the petitioner and others cut and removed a rosewood tree worth Rupees thirty five thousand, standing on the boundary of the properties of the petitioner and the de facto complainant. It is seen that there are civil cases between the parties in relation to the title over the rosewood tree, which has been cut and removed from the boundary. Considering the nature of the case, it is only proper that the petitioner is granted anticipatory bail imposing necessary conditions.

In the result, I allow this bail application and direct that:

(i) the petitioner do surrender before the learned Magistrate concerned positively within fifteen days from today;

(ii) that on such surrender and on his depositing, by way of cash security, an amount of Rupees ten thousand and executing bail bond for Rupees twenty thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioner shall be enlarged on bail;

(iii) that on such release the petitioner shall co-operate with the investigation in the case and shall report before the Investigating Officer between 10 a.m. and 11 a.m. on all Tuesdays and Fridays for a period of two months and thereafter on all Tuesdays only, till the investigation in the case is over and final report is laid; and

(iv) that the grant of anticipatory bail shall not stand in the way of the learned Magistrate granting custody of the petitioner to the Investigating Officer for questioning, if the Investigating Agency so asks for and the learned Magistrate deems it fit to grant, considering the circumstances of the case.

4th May, 2007 (K.P.Balachandran, Judge)

tkv